Ninth Annual

REPORT ON THE ENVIRONMENTAL ASSESSMENT BOARD

Covering the period
April 1, 1984 to
March 31, 1985

Ontario

Environmental
Assessment
Board

NINTH ANNUAL REPORT

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ENVIRONMENTAL ASSESSMENT BOARD

COVERING THE PERIOD

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INTRODUCTION

The Environmental Assessment Board is an independent Board and, while it reports to the Legislature through the Minister of the Environment, it is not part of the Ministry of the Environment. It is comprised of full-time and part-time members. The full-time members consist of a Chairman and three Vice-Chairmen. At present there are six part-time members.

The Board is an administrative tribunal of the Province of Ontario established in 1975 under the Environmental Assessment Act. As required by legislation it conducts public hearings on enterprises, activities, plans or programs proposed to be undertaken in the Province of Ontario and which may have an impact on the natural or social environment.

The Environmental Assessment Board conducts hearings under the Ontario Water Resources, Environmental Protection and the Environmental Assessment Acts. It may also undertake special hearings authorized by Order in Council. In addition, the Board participates in hearings in conjunction with the Ontario Municipal Board under the Consolidated Hearings Act. Reference should be made to that Act for details concerning those proceedings and procedures which are followed.

Under the Ontario Water Resources Act and the Environmental Protection Act, the Board holds hearings at the request of the Ministry of the Environment and, following the hearings, it forwards its report containing its conclusions and recommendations, to that Ministry. Under these two Acts the Board makes a recommendation, rather than a decision, with respect to the subject matter of the hearing. The Ministry considers the Board's report before issuing its decision with respect to the proposal which was the subject of the hearing.

Under the Environmental Assessment Act, the Board performs a decision-making function. Direction to hold the hearing comes from the Minister of the Environment. Following the hearing, the Board issues its decision, together with written reasons therefor, to the Minister, to the parties to the hearing and to other specified persons.

"A Guide for Hearings" has been developed by the Board. This guide is intended to assist the public - including the applicant, those opposing or those supporting the application, members of the legal profession, government ministries, boards or agencies, members of the general public - who may wish to take part in the Board's hearings. It should be remembered, however, that the guidelines are not formal procedures and that, in this regard, procedures in Part II of the Public Inquiries Act 1971, insofar as the Ontario Water Resources Act and the Environmental Protection Act are concerned, and those contained in the Statutory Powers Procedures Act 1971, insofar as the Environmental Assessment Act is concerned, govern.

During this fiscal year the Board developed a public information brochure entitled "A Guide to Public Participation" which provides information about the Board and its procedures. This brochure will be available in the near future.

The experiment with the mediation process continued in the fiscal year.

BOARD MEMBERSHIP

At the end of the fiscal year the Board membership comprised of 10 persons - a full-time Chairman, 3 full-time Vice-Chairmen and 6 part-time Board Members. The membership is as follows:

Full-time

B.E. Smith	Chairman	Mississauga
R.B. Eisen, Q.C.	Vice-Chairman	Toronto
M.I. Jeffery, Q.C.	Vice-Chairman	Toronto
M.G. Munro	Vice-Chairman	Burlington

Part-time

J.W. Britnell	Member	Goderich
D.M. Coolican	Member	Ottawa
E.E. Culin	Member	Moffat
M.H. Edwards	Member	Kingston
W.A.J. Roy	Member	Paincourt
J.E. Simpson	Member	Brockville

In the early part of 1984, after many years of dedicated service, three members retired from the Board, Mr. S. Montgomery of Hawkesbury, Mr. D.C. Morton or Brockville, and Mr. H.M. Smith of Ajax. Dr. G.J. Stopps resigned from the Board on August 29, 1984 after accepting a position with the Ministry of Labour. Mr. J.W. Britnell was appointed to the Board on April 14, 1984 and Mrs. J.E. Simpson on October 26, 1984.

During the year, Mrs. L. Burske, who has provided secretarial assistance to the Board since its inception, retired after 20 years of government service. A staff of 8 persons provide technical, administrative, and secretarial support to the Board. Operating expenses of the Board for the year 1984-85 fiscal year amounted to approximately $1,180,844.

LIST OF HEARINGS APRIL 1, 1984 - MARCH 31, 1985

A brief description of each of the public hearings that were held during this fiscal year follows. Further details concerning these hearings may be obtained from the Board's offices at 1 St. Clair Avenue West, Fifth Floor, Toronto, Ontario, M4V 1K7 (Telephone: 416-965-2531).

I - HEARINGS HELD UNDER THE ONTARIO WATER RESOURCES ACT

Name and Type of Hearing	Number of Days with date of Commencement & Conclusion	Date of Report
OW-84-02 - Town of Whitby/City of Oshawa Glenway Builders Limited - Storm Sewer Extension	Apr. 26/84 1 day	May 17/84
OW-84-03 - Town of Harriston/ Township of Minto - Expansion of Sewage Treatment Works	May 9/84 1 day	May 17/84
OW-84-04 - Township of Smith/ City of Peterborough - Storm Sewer Extension	May 30/84 1 day	Jun. 21/84

OW-84-05 - City of North York/ City of Toronto - Watercourse Enclosure Storm Sewer	Jun. 11/84 1 day	Jun. 21/84
OW-84-06 - Town of New Liskeard/ Township of Dymond - Sewage Treatment Plant Expansion	Aug. 14/84 1 day	Aug. 30/84
OW-84-07 - Town of Vaughan/ Ner Israel Yeshiva College - Proposed Sewage System	Sept. 25/84 1 day	Oct. 25/84
OW-84-08 - Reg. Mun. of Ottawa-Carleton City of Gloucester - Green Creek Sewage Treatment Plant Expansion	Oct. 31/84 1 day	Dec. 6/84
OW-84-09 - City of Sarnia - Industrial Waste Treatment Polysar Limited	Dec. 13/84	Jan. 17/85

II - HEARINGS HELD UNDER THE ENVIRONMENTAL PROTECTION ACT

Name and Type of Hearing	**Number of Days with date of Commencement & Conclusion**	**Date of Report**
EP-83-08 - City of Scarborough Manville Canada Inc. - Existing Waste Disposal Site Rehabilitation	Preliminary - Nov. 28/83 Main Hearing - Feb. 14-Mar. 9/84 8 days	May 17/84
EP-84-01 - City of Sarnia Suncor Corporation - Landspreading of Biological Sludge and Oily Wastes	March 20, 1984 1 day	Apr. 12/84
EP-84-02 - City of Nanticoke Texaco Canada Inc. - Alterations to Existing Biological Sludge Waste Disposal Site	March 6/84 1 day	Apr. 12/84

EP-84-03 - Town of Iroquois Falls - Sanitary Landfill Expansion	Mar. 20, 1984	Adjourned sine die
EP-84-04 - Regional Municipality of Halton/City of Burlington - Sanitary Landfill Site Extension	Preliminary - April 26, 1984 Main Hearing - May 7-June 12/84 17 days	Jul. 26/84
EP-84-05 - City of Niagara Falls Walker Bros. Quarries Ltd. - Alterations to an Existing Landfill Site	Aug. 8-Oct. 2/84 3 days	Oct. 25/84
EP-84-06 - County of Oxford/ Township of Norwich - Proposed Expansion of Holbrook Landfill Site	June 11, 1984 1 days	Jun. 21/84
EP-84-07 - City of Port Colborne Hevmet Recovery Ltd. - Waste Disposal Site for Heavy Metals Recovery Process Operations	Sep. 18-19/84 2 days	Oct. 25/84
EP-84-08 - Town of Elizabethtown O.E. MacDougall Liquid Waste Service & Systems Ltd. - Existing Waste Disposal Site Expansion	Oct. 16-23/84 4 days	Dec. 6/84
EP-84-09 - Town of Chesley - Enlargement of Existing Sanitary Landfill Site	Nov. 27/84 1 day	Jan. 17/85
EP-84-10 - City of Sarnia Polysar Limited - Alterations to an Industrial Sanitary Landfill	Dec. 13/84	Jan. 17/85
EP-84-11 - Town of Caledon Energy Engineering (A Division of Industro-Development Mall Ltd. - Alterations to an Existing Waste Disposal Site (Processing)	Jan. 22/85 Adjourned to Apr. 22/85 Adjourned Sine die	

III - HEARING HELD UNDER THE ENVIRONMENTAL ASSESSMENT ACT

Name and Type of Hearing	Number of Days with date of Commencement & Conclusion	Date of Report or Decision
EA-84-01 - Town of Smooth Rock Falls - Proposed By-pass to connect Highways 11 and 634 by Ministry of Transportation and Communications	Aug. 20-22/84 3 days	Oct. 17/84

IV - HEARINGS HELD UNDER THE CONSOLIDATED HEARINGS ACT

Name and Type of Hearing	Number of Days with date of Commencement & Conclusion	Date of Report or Decision
CH-81-01 - Eastern Ontario Hydro - Ontario Hydro Transmission System - Route Stage	Preliminary - Nov. 20/84 Main Hearing - Jan. 15-Feb. 26/85 22 days	Hearings adjourned after all evidence except argument pending appeal of Divisional Court Decision
CH-81-04 - Southwestern Ontario - Ontario Hydro Transmission System - Route Stage		On Jun.5/84 the Divisional Court quashed the Joint Board's Decision of July 13/82
CH-82-08 - Re[illegible] Municipality of Hamilton Wen[illegible]n - Proposed Mountain East-West and North-South Transportation Corridor (Redhill Creek Expressway)	Preliminary June 27/82 Main Hearing - Oct. 15-Mar. 31 and continuing	
CH-83-03 - Village of Markdale - Sewage Treatment Works Expansion	Feb.27-28/84 2 days	April 6/84

V - HEARING HELD UNDER ORDER IN COUNCIL

Name and Type of Hearing	Number of Days with date of Commencement & Conclusion	Date of Report
The Commission on the Regulatory Control of Mobile PCB Destruction Facilities	Preliminary Sep.10-21/84 9 days Main Hearing Nov. 5-Mar.31/85 & still proceeding - 60 days & still continuing	

MEDIATION

The experimental mediation process that was initiated last fiscal year continued this year.

Mr. Michael G. Picher of Adjudication Services Limited had been appointed Mediator for resolving the problems associated with the establishment and operation of a waste management system for the North Simcoe Area. In July 1984 Mr. Picher negotiated a settlement in the short-term phase of the project among the 14 participating parties which included the six municipalities, the Ministry of the Environment and Ratepayers' Groups. This short-term settlement related to terms and conditions for the continued use of the existing landfill site (Pauze Site). As part of that agreement there would be continued use of the process of mediation for reaching a settlement for a long-term proposal to be announced on or before October 31, 1985.

Subsequent to a meeting between the Chairman and The Regional Municipality of Halton Council in December 1984, a resolution was passed

requesting the Environmental Assessment Board to investigate the possibility of mediation in order to develop final plans for a long-term waste management system for the Regional Municipality of Halton. The Board engaged the services of Mr. Michel Picher and Mr. Geoffrey Grenville-Wood to act as fact-finders in the matter. After an initial investigation the fact-finding process was suspended until the Region has decided upon a specific undertaking. At that time it will be determined if mediation would be of assistance in this situation.

H. Browne, P.Eng.
Board Secretary

B.E. Smith,
Chairman